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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 KOHEN DIALLO UHURU,  
12 Plaintiff,  
13 v.  
14 J. BENAVIDEZ, et al.,  
15 Defendants.  
No. 2:22-CV-0784-TLN-DMC-P  
ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to  
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's "Motion and Notice with Request for  
19 Admission Pursuant to Fed. R. Civ. Proc. Rule 36(a)(1)(2)(3)(4)," ECF No. 35. This document  
20 appears to be requests for admissions. Request for admissions shall not be filed unless and until  
21 there is a proceeding in which the document is at issue. See Local Rule 250.4(c). Here, as no  
22 defendants have been served or appeared in the action, there are no pending motions which would  
23 put Plaintiff's discovery request at issue.

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1 Accordingly, IT IS HEREBY ORDERED as follows:

2 1. Plaintiff's filing at ECF No. 35 is STRICKEN.  
3 2. The Clerk of the Court is directed to terminate ECF No. 35 as a pending  
4 motion.

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6 Dated: November 6, 2023



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8 DENNIS M. COTA  
9 UNITED STATES MAGISTRATE JUDGE  
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